

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are fully requested.

Upon entry of this amendment, claims 1-13 will have been amended for consideration by the Examiner. Thus, claims 1-13 currently remain pending. No new matter has been added.

### **I. Claim Rejections under 35 U.S.C. § 112**

Claims 1-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the Examiner has indicated that the claims are generally narrative and indefinite, and that in claim 6, there is no recitation of the device to which the license is transferred. By the present amendment, Applicants have amended claims 1-13 to clarify the scope of the present invention such that the claims clearly define the metes and bounds of the invention. Regarding claim 6, Applicants note that this claim has been amended so as to clarify that the encrypted license information is transferred from the data management unit to the storage unit. Thus, Applicants respectfully request that the Examiner withdraw the above-noted rejection.

### **II. Claim Rejections under 35 U.S.C. § 102(b)**

Claims 1, 8 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hori et

al. (US Patent Publication No. 2002/0184154). Applicants respectfully traverse the grounds of rejection.

Claim 1 recites a license information management apparatus which manages license information indicating a range in which digital content can be used. The license information management apparatus includes a data management unit having tamper resistance, the data management unit being operable to manage license information and to ensure security of the license information; and a storage unit not having tamper resistance, the storage unit being operable to hold the license information, the security of the stored license information being ensured by the data management unit having tamper resistance, and the storage unit being provided outside the data management unit having tamper resistance. The data management unit having tamper resistance includes: a secret key holding subunit operable to hold a secret key; and a reproduction condition management subunit operable to encrypt the license information with the secret key within the data management unit having tamper resistance, and to transfer the encrypted license information from the data management unit having tamper resistance to said storage unit not having tamper resistance, as recited in independent claim 1. Claim 8 recites a related method, and claim 11 recites a related computer executable program.

Hori teaches a data distribution system in which a distribution of a decryption key from a server to a memory card can be resumed, and the rights of the copyright owners can also be protected, even when a communication for the distribution of the decryption key is interrupted between the server and the memory card before the distribution of the decryption key is completed.

Hori fails to disclose a license information management apparatus including a data management unit having tamper resistance and a storage unit not having tamper resistance, the storage unit being provided outside the data management unit having tamper resistance. In other words, Hori does not contain any disclosure regarding a data management unit having tamper resistance.

In contrast, the present invention ensures the security of license information without requiring a tamper resistant module unit having mass storage. Thus, the pending claims recite a data management unit having tamper resistance. In addition, the pending claims also recite a storage unit not having tamper resistance. The storage unit is provided outside the data management unit having tamper resistance. Further, the data management unit having tamper resistance holds a secret key, encrypts the license information with the secret key within the data management unit having tamper resistance, and transfers the encrypted license information from the data management unit having tamper resistance, to said storage unit not having tamper resistance. Then, the storage unit not having tamper resistance holds the license information, the security of the stored license information being ensured by the data management unit having tamper resistance.

According to the present invention, the license information is transferred from the data management unit having tamper resistance to the storage unit not having tamper resistance, the security of the stored license information being ensured by the data management unit having tamper resistance. Therefore, the present invention can obtain a predictable result to ensure security of license information without requiring a tamper resistant module unit having mass

storage.

On the other hand, as discussed above, Hori fails to teach a license information management apparatus including a data management unit having tamper resistance and a storage unit not having tamper resistance, the storage unit being provided outside the data management unit having tamper resistance.

Thus, the pending claims are clearly distinguished over Hori.

Accordingly, because of the above-mentioned distinctions, it is believed clear that independent claims 1, 8 and 11 are not anticipated by Hori. Furthermore, there is no disclosure or suggestion in Hori or elsewhere in the prior art of record which would have caused a person of skill in the art to modify Hori to obtain the invention of independent claims 1, 8 and 11. Accordingly, it is respectfully submitted that independent claims 1, 8 and 11 are clearly allowable over prior art of record.

### **III. Claim Rejections under 35 U.S.C. § 103(a)**

Claims 2-7, 9-10, and 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hori.

As discussed above, Applicants respectfully submit that independents claim 1, 8 and 11 are patentable over the cited prior art, an indication of which is kindly requested. Dependent claims 2-7, 9-10, and 12-13 depend from independents claim 1, 8 and 11, respectively. Accordingly, Applicants submit that dependent claims 2-7, 9-10, and 12-13 are patentable at least by virtue of their dependency.

Therefore, Applicants submit that the Hori does not render the presently claimed invention obvious, and thus, respectfully request that the 35 U.S.C. § 103(a) rejection be withdrawn.

#### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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